

09/173,109



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/173,109 10/15/98 ZIARNO

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TM02/0814

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EXAMINER

WITOLD A ZIARNO
4519 S ST LOUIS
CHICAGO IL 60632

YOUNG, J

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.
09/173,109

Applicant(s)
Ziarno

Examiner
John Young

Art Unit
2162



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/25/2001, paper#8, Amendment C
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Apr 25, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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FINAL REJECTION

DRAWINGS

1. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

2. Objections Withdrawn.

ABSTRACT

3. Objection Withdrawn.

CLAIM REJECTIONS (Mixed Class Claims) — 35 U.S.C. §112 ¶2

4. Rejections Withdrawn.

CLAIM REJECTIONS (Mixed Class Claims) — 35 U.S.C. §101

5. Rejections Withdrawn.

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CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 21-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schneier, Bruce APPLIED CRYPTOGRAPHY (New York: John Wiley & Sons, Inc. 1994) (herein referred to as "Schneier").

As per claim independent claim 1, Schneier (pp. 117-124; pp. 428-435; pp. 296-297; & p. 436) suggests:

"An Internet linked computer peripheral as an input device for a personal computer or workstation comprising in combination: a smart card reader for reading credit and/or

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debit card information from an information bearing smart credit and/or debit card; and a secure link to the Internet.

Schneier does not explicitly show “credit or debit cards” even though Schneier (pp. 296-297) suggests “credit or debit cards.” It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the Schneier’s (pp. 296-297) “*smart card*” disclosure of would have been selected in accordance with “credit or debit cards” because smart credit and debit cards would have been notoriously well known by one of ordinary skill in the art at the time of the invention.

As per claim 22, Schneier shows the system of claim 21. (See the rejection of claim 21 supra).

Schneier (pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests: “the secure link to the Internet comprises encryption means routine on the computer peripheral encrypting the credit and/or debit card information prior to transmission of the credit or debit card information to the personal computer or workstation.”

Schneier does not explicitly show “the secure link to the Internet comprises encryption means routine on the computer peripheral encrypting the credit and/or debit card information prior to transmission of the credit or debit card information to the personal computer or workstation. . . .” even though Schneier suggests same.

“Official Notice” is taken that both the concept and the advantages of “the secure link to the Internet comprises an encryption routine on the computer peripheral encrypting

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the credit and/or debit card information prior to transmission of the credit or debit card information to the personal computer or workstation. . . .” because such concepts and advantages would have provided means to safeguard the credit and/or debit card information prior to transmission of the credit or debit card information.

As per claim 23, Schneier shows the system of claim 21. (See the rejection of claim 21 supra).

Schneier (pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests: “the secure link further comprises an encryption routine at the personal computer or work station encrypting the credit or debit card information prior to transmission of the credit or debit card information onto the Internet.”

Schneier does not explicitly show “the secure link further comprises an encryption routine at the personal computer or work station encrypting the credit or debit card information prior to transmission of the credit or debit card information onto the Internet. . . .” even though Schneier suggests same. multiple ways of encrypting.

“Official Notice” is taken that both the concept and the advantages of “the secure link further comprises an encryption routine at the personal computer or work station encrypting the credit or debit card information prior to transmission of the credit or debit card information onto the Internet. . . .” because such concepts and advantages would have provided means to safeguard the credit and/or debit card information prior to transmission of the credit or debit card information.

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As per independent claim 24, Schneier (pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests: “providing individuals making monetary transactions with a smart card reading computer peripheral as an input device for a personal computer or workstation said smart card reading computer peripheral designed to send monetary transaction data to said personal computer or workstation for delivery onto the Internet, and securely sending monetary transaction data read by said smart card reading computer peripheral from the personal computer or workstation onto the Internet for further processing.”

Schneier does not explicitly show “providing individuals making monetary transactions with a smart card reading computer peripheral as an input device for a personal computer or workstation said smart card reading computer peripheral designed to send monetary transaction data to said personal computer or workstation for delivery onto the Internet, and securely sending monetary transaction data read by said smart card reading computer peripheral from the personal computer or workstation onto the Internet for further processing.”

“Official Notice” is taken that both the concept and the advantages of “providing individuals making monetary transactions with a smart card reading computer peripheral as an input device for a personal computer or workstation said smart card reading computer peripheral designed to send monetary transaction data to said personal computer or workstation for delivery onto the Internet, and securely sending monetary transaction data read by said smart card reading computer peripheral from the personal computer or

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workstation onto the Internet for further processing. . . .” because such concepts and advantages would have provided means to safeguard the credit and/or debit card information prior to transmission of the credit or debit card information and also, because such concepts and advantages were well known in the art.

As per claim 25, Schneier shows the method of claim 24. (See the rejection of claim 24 above).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) shows elements that suggest “encrypting or coding at least a portion of the monetary transaction date entered by respective individuals prior to transmission of the monetary transaction data to the personal computer or the work station.”

Schneier does not explicitly show “encrypting or coding at least a portion of the monetary transaction date entered by respective individuals prior to transmission of the monetary transaction data to the personal computer or the work station. . . .” even though Schneier (p. 28; pp. 329-330; pp. 70-71 & pp. 165-169) suggests same. It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier (pp. 329), i.e., “*Message Digest*” would have been selected in accordance with “a portion of the monetary transaction date entered by respective individuals. . . .” of messages, because “*Message Digest*” capability would have provided a fingerprint of the message that is unique. (See Schneier pp. 329-330); furthermore,

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“Official Notice” is taken that both the concept and the advantages of “encrypting or coding at least a portion of the monetary transaction data entered by respective individuals prior to transmission of the monetary transaction data to the personal computer or the work station. . . .” because such concepts and advantages would have provided means to safeguard the credit and/or debit card information prior to transmission of the credit or debit card information and also, because such concepts and advantages were well known in the art.

As per claim 26, Schneier shows the method of claim 24. (See the rejection of claim 24 above).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) shows elements that suggest “encrypting or coding at least a portion of the monetary transaction data entered by respective individuals prior to transmission of the card information to the Internet.”

Schneier does not explicitly show “a portion of the monetary transaction data entered by respective individuals. . . .” even though Schneier (p. 28; pp. 329-330; pp. 70-71 & pp. 165-169) suggests same. It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier (pp. 329), i.e., “*Message Digest*” would have been selected in accordance with “a portion of the monetary transaction data entered by respective individuals. . . .” of messages,

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because "*Message Digest*" capability would have provided a fingerprint of the message that is unique. (See Schneier pp. 329-330).

Claim 27 is rejected for substantially the same reasons as claim 26.

Claim 28 is rejected for substantially the same reasons as claim 24.

Claim 29 is rejected for substantially the same reasons as claim 25.

Claim 30 is rejected for substantially the same reasons as claim 25.

Claim 31 is rejected for substantially the same reasons as claim 25.

As per claim 32, Schneier shows the method of claim 28. (See the rejection of claim 28 supra).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests: "correlating transaction information other than the card information to the encrypted debit or credit card information, and decoding the encrypted debit or credit card information at a device remotely located from the personal computers or work stations."

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Schneier does not explicitly show “correlating transaction information other than the card information to the encrypted debit or credit card information. . . .” even though Schneier (p. 34-39; pp. 70-71; pp. 59-69) suggests same. It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the Schneier disclosure of “*timestamping*” would have been selected in accordance with “correlating transaction information other than the card information to the encrypted debit or credit card information. . . .” because “*timestamping*” would have been notoriously well known by one of ordinary skill in the art at the time of the invention.

As per claim 33, Schneier shows the method of claim 28. (See the rejection of claim 28 supra).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests: “entering a PIN number.

Schneier does not explicitly show “entering a PIN number. . . .” even though Schneier (p. 34-39; pp. 70-71; pp. 59-69) suggests same. It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the Schneier disclosure of a unique identifier would have been selected in accordance with “entering a PIN number. . . .” because unique identifiers would have been notoriously well known by one of ordinary skill in the art at the time of the invention.

Claim 34 is rejected for substantially the same reasons as claim 21.

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As per claim 35, Schneier shows the kit of claim 34. (See the rejection of claim 34 supra).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests a “remote computer . . . an acquiring bank computer, and a card account processor computer.”

Schneier does not explicitly show “a monitor, speakers, and a keyboard. . . .” even though Schneier suggests same. It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier would have been selected in accordance with “a monitor, speakers, and a keyboard. . . .” because such a configuration would have been notoriously well known by one of ordinary skill in the art at the time of the invention.

As per claim 36, Schneier shows the kit of claim 34. (See the rejection of claim 34 supra).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests “the Internet.”

Schneier does not explicitly show a “kit further comprising the Internet.” It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier would have been selected in accordance with a “kit further comprising the Internet. . . .” because the pervasiveness of the

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Internet would have been notoriously well known by one of ordinary skill in the art at the time of the invention.

As per claim 37, Schneier shows the method of claim 32. (See the rejection of claim 32 supra).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests “crediting or debiting an account.”

Schneier does not explicitly show “crediting or debiting an account.” It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier would have been selected in accordance with “crediting or debiting an account. . . .” because such procedures in electronic monetary transactions were notoriously well known by one of ordinary skill in the art at the time of the invention.

As per claim 38, Schneier shows the method of claim 37. (See the rejection of claim 37 supra).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests “sending a receipt comprising information representative of at least a portion of said monetary transaction data.”

Schneier does not explicitly show “sending a receipt comprising information representative of at least a portion of said monetary transaction data.” It would have

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been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier would have been selected in accordance with “sending a receipt comprising information representative of at least a portion of said monetary transaction data. . . .” because such procedures in electronic monetary transactions of sending a confirmation or receipt associated with electronic monetary transactions were notoriously well known by one of ordinary skill in the art at the time of the invention.

As per claim 39, Schneier shows the method of claim 34. (See the rejection of claim 34 supra).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests “a multiplicity of personal computers.”

Schneier does not explicitly show “a multiplicity of personal computers.” It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier would have been selected in accordance with “a multiplicity of personal computers. . . .” because such implementation of multiple peripherals was notoriously well known by one of ordinary skill in the art at the time of the invention.

As per claim 40, Schneier shows the method of claim 39. (See the rejection of claim 39 supra).

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Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests "a plurality of monitors."

Schneier does not explicitly show "a plurality of monitors." It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier would have been selected in accordance with "a plurality of monitors. . . ." because such implementation of multiple peripherals was notoriously well known by one of ordinary skill in the art at the time of the invention.

As per claim 41, Schneier shows the method of claim 40. (See the rejection of claim 40 supra).

Schneier (p. 34-39; pp. 70-71; pp. 59-69; pp. 428-435; pp. 296-297; p. 436, & pp. 165-169) suggests "a plurality of keyboards and speakers."

Schneier does not explicitly show "a plurality of keyboards and speakers." It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Schneier would have been selected in accordance with "a plurality of keyboards and speakers. . . ." because such implementation of multiple peripherals was notoriously well known by one of ordinary skill in the art at the time of the invention.

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RESPONSE TO ARGUMENTS—707.07(f)

7. The following is an except of MPEP 707.07(f): “Where the [A]pplicant traverses any rejection, the examiner should . . . take note of the [A]pplicant’s argument and answer the substance of it.”

Applicant's arguments filed 4/25/2001, “Amendment C” (paper #8) have been fully considered but they are not persuasive for the following reasons:

Applicant’s amendments to the claims increased the breadth of the claims and did not change the substance of the claims on the merits; and

Applicant's arguments against the 35 U.S.C. §103(a) rejections fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention; furthermore,

Applicant’s amendments to claims and the addition of claims 22 & 23, necessitated the new grounds of rejection presented in this Office action. Accordingly,

THIS ACTION IS MADE FINAL. SEE MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONCLUSION

8. Any response to this action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 308-6165 or 305-6606 or 308-6296 (for formal communications marked

EXPEDITED PROCEDURE), or

(703) 308-5397 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist
Crystal Park II
2121 Crystal Drive
Arlington, Virginia.

Serial Number: 09/173,109

(Ziarno)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

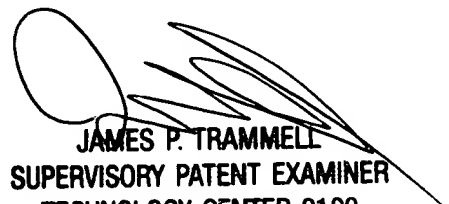
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young 

Patent Examiner

August 13, 2001


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100